IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 7508 of 2004

Between:

Sandhya 35 mm Theatre, RTC X Roads, Hyderabad, rep by its Managing Partner M. Chandraiah

..... PETITIONER

AND

The Deputy Commrcial Tax Officer, Musheerabad Circle, Musheerabad, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings of the respondent herein in Rc. No. APET/3/04-05 dt 15-4-2004 as illegal, null, void and arbitrary.

Counsel for the Petitioner:MR.K.DURGA PRASAD, Advocate.

Counsel for the Respondent : SPL GP FOR TAXES

The Court at the stage of admission made the following :

ORDER : (Per Sri Bilal Nazki, J).

On hearing the learned Counsel for the parties and on going through the material on record, we are of the view that there is no merit in the Writ Petition. The petitioner has not deposited the security deposit. He is also not coming forth with any proof that at any point of time he has deposited any amount with the respondents. He is not even sure as to how much amount he has deposited and in which form he has deposited it with the respondents. On the other hand the respondents have clearly denied having any deposit of the petitioner with them.

In these circumstances, we dismiss the Writ Petition. However, in the interest of justice, we grant four weeks time to make the deposit. For four weeks, the impugned order shall remain stayed. No costs.

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(BILAL NAZKI, J)

4th August, 2004.

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(S.ANANDA REDDY, J)

ajr.

To

1. The Deputy Commrcial Tax Officer, Musheerabad Circle, Musheerabad, Hyderabad

2 Two C.Cs. to the Special G.P. for Taxes, High Court buildings, Hyderabad (O.U.T.)

3 Two C.D. copies.